

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCopies Mailed/Faxed
Chambers of Vincent L. Briccetti

7-11-23

JH

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TERRELL K. BROCK,
Plaintiff,

v.

CVS CORPORATION, ET AL.,
Defendants.
-----X**ORDER**22 CV 4014 (VB)
7-11-23

By Order dated May 10, 2023, the Court scheduled an initial conference for June 14, 2023. (Doc. #75). Chambers mailed this Order to plaintiff, proceeding pro se and in forma pauperis, at his address on the docket

On June 14, 2023, the Court held an on-the-record initial conference, at which counsel for the White Plains Defendants appeared and plaintiff and counsel for the CVS Defendants failed to appear. (Doc. #83).

By Order dated June 14, 2023, the Court (i) re-scheduled the initial conference for July 11, 2023; (ii) directed plaintiff and counsel for the CVS Defendants to explain in writing why they failed to appear at the June 14 conference; (iii) directed plaintiff that if he was unable to appear at the initial conference on July 11, he must submit a request in writing to the Court by July 5, 2023; (iv) informed plaintiff that if he failed to comply with the June 14 Order or to appear at the initial conference on July 11, the Court may deem his failure to be an abandonment of the case and may dismiss the case for failure to prosecute and comply with Court Orders pursuant to Fed. R. Civ. P. 41(b); and (v) reminded plaintiff of his obligation to update the Court in writing of any change in address. (Doc. #83). Chambers mailed this Order to plaintiff at the address on the docket.

To date, plaintiff has not explained in writing why he failed to appear at the initial conference on June 14, or submitted a request in writing to adjourn today's conference. Further, none of the Court's mailings to plaintiff have been returned to Chambers.

Today, July 11, 2023, the Court held an initial conference on the record, at which counsel for the White Plains and CVS Defendants appeared in person. Plaintiff failed to appear without excuse or explanation.

As discussed at today's conference, it is **HEREBY ORDERED**:

1. The initial conference is re-scheduled for **August 9, 2023, at 11:00 a.m.**, at the White Plains courthouse, Courtroom 620.

2. By **July 25, 2023**, plaintiff is ordered to explain in writing why he failed to appear at today's conference and the June 14, 2023, initial conference.

3. If plaintiff is unable to appear at the conference on August 9, 2023, at 11:00 a.m., he must submit a request in writing to the Court by no later than August 2, 2023, for an adjournment of the date and/or time.

4. Plaintiff shall advise the Court of any change of address in writing.

5. **If plaintiff fails to comply with this Order and fails to appear at the conference scheduled for August 9, 2023, the Court will deem his failure to be an abandonment of the case and will dismiss the case for failure to prosecute and comply with Court Orders. Fed. R. Civ. P. 41(b).**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: July 11, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge